



**AMENDMENTS TO THE DRAWINGS:**

The attached eight (8) sheets of drawings include changes to Figures 1, 3, 5 to 8, 10 and 14. These sheets, which include Figures 1, 3, 5 to 8, 10 and 14, replace the original sheets including Figures 1, 3, 5 to 8, 10 and 14. In these Figures, the cross-hatching has been changed to alternating thick and thin lines as suggested in the Office Action. No new matter has been added.

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claim 22 and the addition of new claims 23 and 24, claims 1 to 21, 23 and 24 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

### **II. Restriction Requirement**

Applicants affirm that Group II, *i.e.*, claims 1 to 21, have been elected for prosecution on the merits. Claim 22 has been canceled herein without prejudice.

### **III. Objection to the Drawings**

As regards the objection to the drawings, while Applicants do not necessarily agree with the merits of this objection, to facilitate matters, Figures 1, 3, 5 to 8, 10 and 14 have been amended herein to change the cross-hatching to alternating thick and thin lines as suggested in the Office Action. No new matter has been added. In view of the foregoing, withdrawal of this objection is respectfully requested.

### **IV. Objection to the Specification**

As regards the objection to the Specification, the Examiner will note that the Title has been amended herein without prejudice to --Tamper Indicating Band Having Foldable Tabs Including Tab Extensions, Tamper Indicating Closure Including Such Tamper Indicating Band, and Tamper Indicating Closure Including Such Tamper Indicating Band and Container--. No new matter has been added. In view of the foregoing, withdrawal of this objection is respectfully requested.

### **V. Objection to Claims 1, 6, 10 and 14**

As regards the objection to claims 1, 6, 10 and 14, the Examiner will note that claims 1, 6, 10 and 14 have been amended herein without prejudice to correct the typographic error noted in the Office Action to change "said thickness" to

--said thicknesses--. In view of the foregoing, withdrawal of this objection is respectfully requested.

## **VI. Double Patenting**

As regards the double patenting rejection, while Applicants do not necessarily agree with the merits of this rejection, Applicants are prepared to submit a Terminal Disclaimer over U.S. Patent No. 6,371,317 ("Krueger") upon withdrawal of all other rejections and when the claims are otherwise indicated to be in final form for allowance.

## **VII. Rejection of Claims 1 to 21 Under 35 U.S.C. § 103(a)**

Claims 1 to 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Krueger and U.S. Patent No. 5,096,079 ("Odet"). It is respectfully submitted that the combination of Krueger and Odet does not render unpatentable the present claims for at least the following reasons.

The Office Action contends that rectilinear part 32 of tab 30 described by Odet constitutes a tab extension. Applicants respectfully disagree. In this regard, claim 1, for example, recites that a tab extension extends in a direction of extension of extending members of trapezoidal tabs. Referring, for example, to Figure 1, it is not readily apparent that the rectilinear part 32 extends in an extension direction of tab 30 or curved part 31 of tab 30. Indeed, the rectilinear part 32 extends from the curved part 31 at an angle from the curved part 31 as plainly seen in all of the Figures of Odet. Notwithstanding the foregoing, claim 1, for example, has been amended herein without prejudice to recite that a thickness of the tab extension in a direction perpendicular to the direction of extension is less than a maximum thickness of a tip of the extension member. Referring, for example, to col. 2, lines 22 to 23, Odet states that "tabs (30) [which include curved part 31 and rectilinear part 32] are of constant thickness (e) substantially their entire length" (emphasis added). As such, Odet does not disclose, or even suggest, tab extensions such as recited in claim 1. The Office Action admits on page 7 that Krueger does not disclose tab extensions. Thus, in view of the foregoing, it is respectfully submitted that the combination of Krueger and Odet does not render unpatentable claim 1.

Claims 6, 14 and 18 to 20 have been amended herein in analogous manner as claim 1. As such, it is respectfully submitted that the combination of

Krueger and Odet does not render unpatentable claims 6, 14 and 18 to 20 for at least the same reasons more fully set forth above.

As regards claims 10 and 21, these claims recite, inter alia, that tabs and tab extensions are arranged to lock under a container shoulder when a closure is applied to a container. As illustrated throughout the Figures of Odet, it is plainly apparent that the rectilinear part 32, which the Office Action contends constitutes a tab extension, bears against an outer circumferential surface of a counter-ring 5 of the neck 3 of the bottle 2. As such, Odet does not disclose, or even suggest, tabs and tab extensions that are arranged to lock under a container shoulder. It is therefore respectfully submitted that the combination of Krueger and Odet does not render unpatentable claims 10 and 21.

As for dependent claims 2 to 5, 7 to 9, 11 to 13 and 15 to 17, it is respectfully submitted that the combination of Krueger and Odet does not render unpatentable these dependent claims for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **VIII. New Claims 23 and 24**

New claims 23 and 24 have been added herein. It is respectfully submitted that claims 23 and 24 add no new matter and are fully supported by the present application, including the Specification.

Since claim 23 depends from claim 10, it is respectfully submitted that claim 23 is patentable over the references relied upon for at least the same reasons more fully set forth above in support of the patentability of claim 10.

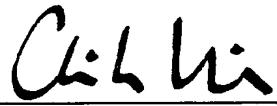
Since claim 24 depends from claim 21, it is respectfully submitted that claim 24 is patentable over the references relied upon for at least the same reasons more fully set forth above in support of the patentability of claim 21.

**IX. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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